

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB30**

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**Hearing Date:** Tuesday January 20, 2009  
**Committee On:** Banking, Commerce and Insurance  
**Introducer:** Pahls  
**One Liner:** Change provisions of the Nebraska Real Estate License Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File

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**Vote Results:**

<b>Aye:</b>	7	Senators Christensen, Gloor, McCoy, Pahls, Pankonin, Pirsch, Utter
<b>Nay:</b>		
<b>Absent:</b>		
<b>Present Not Voting:</b>	1	Senator Langemeier

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**Proponents:**

Senator Rich Pahls  
Vince Leisey  
Teresa Hoffman  
John Gale

**Representing:**

Introducer  
NE Realtors Association  
NE Real Estate Commission  
Secretary of State/NE Real Estate Commisison

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

OVERVIEW

LB 30 (Pahls) would amend various sections of the Nebraska Real Estate License Act to provide that the Nebraska Real Estate Commission shall have authority to impose civil fines on licensees for each violation up to two thousand five hundred dollars per complaint. Currently under the act, the commission may only suspend or revoke licenses, censure licensees, and enter into consent decrees. The bill would allow the commission to impose civil fines on licensees alone or in combination with such disciplinary actions. The bill also would clarify provisions, update internal references, and add customary language regarding investment of cash funds, disposition of fines, and procedures of recovery of unpaid fines.

SUMMARY

The bill would provide, section by section, as follows:

Section 1 would enact a new section in the Nebraska Real Estate License Act to provide for a separate section which states the named act and to provide that new sections 1 and 10 of the bill shall be assigned within the act.

Section 2 would amend section 81-885.02 of the Nebraska Real Estate License Act to update a reference to the act.

Section 3 would amend section 81-885.05 of the Nebraska Real Estate License Act to update a reference to the act.

Section 4 would amend section 81-885.09 of the Nebraska Real Estate License Act to update references to the act.

Section 5 would amend section 81-885.10 of the Nebraska Real Estate License Act to update a reference to the act and to provide that, alone or in combination with its existing power to take disciplinary actions (revoking or suspending a license, censuring a licensee, and entering a consent decree), the State Real Estate Commission may impose a civil fine on a licensee for each violation not to exceed two thousand five hundred dollars per complaint.

Section 6 would amend section 81-885.15 of the Nebraska Real Estate License Act to update references to the act and to adopt provisions regarding the investment of cash funds in the State Real Estate Commission's Fund by the state investment officer.

Section 7 would amend section 81-885.24 of the Nebraska Real Estate License Act to clarify provisions and to provide that, alone or in combination with its existing power to take disciplinary actions (censuring a licensee or certificate holder, revoking or suspending a license or certificate, and entering a consent order), the State Real Estate Commission may impose a civil fine on a licensee pursuant to section 81-885.10 (section 5 of the bill) whenever a license or certificate has been obtained by false or fraudulent misrepresentation or the licensee or certificate holder has been found guilty of an unfair trade practice enumerated in this section.

Section 8 would amend section 81-885.25 of the Nebraska Real Estate License Act to adopt provisions regarding imposition of civil fines.

Section 9 would amend section 81-885.29 of the Nebraska Real Estate License Act to adopt provisions regarding imposition of civil fines.

Section 10 would enact a new section in the Nebraska Real Estate License Act to adopt provisions regarding the disposition of civil fines and to adopt provisions regarding procedures for the recovery of unpaid fines.

Section 11 would amend section 81-885.43 of the Nebraska Real Estate License Act to clarify provisions and to update references to the act.

Section 12 would amend section 81-885.44 of the Nebraska Real Estate License Act to update a reference to the act.

Section 13 would amend section 81-885.46 of the Nebraska Real Estate License Act to update a reference to the act.

Section 14 would amend section 81-885.48 of the Nebraska Real Estate License Act to harmonize provisions and update a reference to the act.

Section 15 would amend section 81-887.03 of the auctioneer statutes to update a reference to the Nebraska Real Estate License Act and to eliminate a reference to sections which were repealed in 1973.

Section 16 would provide for repealers of amendatory sections.

Section 17 would provide for outright repeal of section 81-885.47 of the Nebraska Real Estate License Act, the provisions of which would be replaced by section 1 of the bill.

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Rich Pahls, Chairperson